

of a law on the subject in Malabar and was not therefore in a position to say whether a similar one would be sufficient in Travancore.

He then said that, if it were ordered that applications for the execution of decrees, etc., should be disposed of in the order of their receipt or that they should be disposed of within a specified period, much of the inconvenience now experienced by parties could be minimised.

Dewan's reply.—Noted.

34. Need for a legislative enactment relating to marriage and succession among the Ezhavas of Travancore.

Mr. N. Kumaran, B. A. & B. L. (Member, Nominated) said that the Nair Regulation was producing the most beneficial results to that community. The Ezhavas were ever since the passing of that Regulation, agitating for a similar law recognising the validity of their marriage and regulating succession among them. No steps were taken on their representations, probably because the Government were not convinced either of its importance or of its pressing necessity. The Member said that the trend of modern decisions of the High Court was to deprive the Ezhava marriage of what little stability it had established under customary law. It was therefore the duty of the legislature to step in without delay and recognise the validity of their marriage in accordance with the growing sense of the community. On that point, the Ezhavas of Travancore were united and no difference of opinion existed among them.

Coming to the question of succession, the Member said that the Ezhavas practically followed three systems of inheritance in Travancore. The Ezhavas of Minachil, Ettumanur, Todupuzha, Kunnatnad and some parts of Alangad as also of the Southern Division, numbering roughly about 10% of the total Ezhava population, followed Makkathayam. The Ezhavas living in Quilon and in the taluks to the south of it followed what was called a mixed system under which both the children and the Anandravars inherited in equal shares the assets of the deceased. That system was virtually adopted in the Nair Regulation. The Ezhavas in the taluks north of Quilon followed the pure Marumakkathayam law under which the children got nothing from their father's earnings. About 60% of the Ezhavas followed the Marumakkathayam system, while about 30 % followed the mixed system. He was of opinion that the Makkathayees might be left alone in matters of succession. The mixed system based purely on custom recognised by the courts might be confirmed by an enactment. The law of succession was intended mainly to benefit the pure Marumakkathayees. The effects of that unnatural system and the evils resulting from it were already known to society and to the Government and the provisions of the Nair Regulation were the best remedy so far devised.

He said that the generality of enlightened opinion was in favour of a legislation on the proposed lines. He sought for and obtained the opinions of the leading members and associations in the community and they were all in favour of legislation and no dissentient voice was heard till the present moment. Such unanimity of opinion was an index to the feelings of the community as well as to the urgency of the problem.

Dewan.—Apart from the opinions of the leading members and associations, what is the opinion of the mass of the Ezhava community on the necessity for such a legislation?

Member.—They all desire to have legislation. There will be no difference of opinion.

Mr. A. K. Purushothaman (Member, Nominated) said that he would not propose any change in the existing practice in the succession among the Makkathayees. Slight changes might be necessary in the mixed system. It was mainly regarding the Marumakkathayees that he urged for legislation.

Dewan.—Do the Ezhava members present here represent all the systems you speak of?

Member.—Mr. Kumaran Asan belongs to the mixed system. All the others are Marumakkathayees.

Mr. C. Krishnan Vaidyan (Member, Nominated) said that he had brought up the question at the last session also, when the Dewan asked him whether the measure would be welcomed by the whole community. The community had already submitted a memorial from their common organisation, the S. N. D. P. Yogam, praying for a legislative enactment to regulate succession and marriage among them on the lines of the Nair Regulation. Among the members of the current session, one belonged to the mixed system and the others were Marumakkathayees, and they were present as the representatives of the respective sections of the community. The community felt aggrieved that, even after the passing of the Nair Regulation, the Government had not considered their request for a similar law favourably. He said that the whole community desired the law and that action should be taken by the Government without further delay.

[The Dewan then invited the opinions of the remaining Ezhava members and two of the visitors. All of them except Mr. K. Krishna Panikkan, Member, T. I. C., Mavelikara, supported the proposal. Mr. Krishna Panikkan said that he had no objection to the introduction of the law as the other members had strongly supported it, but that he felt bound to say that there would be some opposition also to the proposed measure.]

Dewan's reply.—I shall consider this question carefully. If the Government find that there is a very strong opinion in the community that a law should be introduced, they are prepared to undertake legislation. I wanted to say at once that the Government will certainly do so, but apparently there is some difference of opinion. There is one at least among you, even here, who is not wholly in favour of it. However, I shall consider it again and, probably before the session closes, I may be able to tell you the attitude of the Government in this matter.

35. Desirability of having a legislative enactment reducing the rate of interest on money debts.

Mr. P. Narayana Pillai (Member, Pattanapuram taluk) said that Regulation I of 1010 M. E. fixed the interest awardable by civil courts at 12 per cent. per annum where the documents did not stipulate otherwise. The condition of the ryots had everywhere changed since the year 1010, and the same rate of interest prevailed among them even now. It was the agricultural section of the people that suffered most from the high rate of interest. The Member therefore prayed that a law might be passed fixing the maximum rate of interest awardable at 7½ per cent. per annum.

Dewan's reply.—Noted.

36. Desirability of amending the Nair Regulation so as to allow individual partition of Makkathayam.

Mr. K. Govinda Pillai (Member, Tiruvalla taluk) said that, on a perusal of the depositions of the members of his community before the Marumakkathayee commission, it would be clear that the majority were in favour of partition. Even some of those, who did not favour partition then, had partitioned their properties subsequently. Under the present system there could be no individual responsibility or individual credit. Want of individual responsibility would cause the mismanagement of the tarwad property by a Karnavan, as its improvement under him would not benefit him. Want of individual credit deprived the capacity of individual members to work for themselves independently of the tarwad. However wealthy a tarwad might be, its members had no individual credit. They could therefore enter no walk of life requiring personal credit. It was particularly noticeable in the formation of co-operative societies, as a member of a Nair tarwad could not become a member of a rural society. Trade and other industries were therefore practically closed to them. Education among them was declining. It was therefore necessary to amend the Nair Regulation allowing individual partition and Makkathayam.

Dewan.—If Makkathayam is to be enforced, will not female members lose all

Member.—Under no law have women any rights to property.